REMARKS

Claims 29-38 remain in this case, claim 37 having been restricted out pursuant to a prior restriction requirement.

Claims 28, 29 and 31-36 have been rejected as obvious over Rosen (5,797,887) in view of Kropf (4,760,849) while claims 30 and 38 were rejected as obvious over Rosen (5,797,887) in view of Kropf (4,760,849) and Ragheb (5,873,904).

The Cited Art

**Rosen** U.S. Patent No. 5,797,887 discloses coating the surface of a blood-contacting foreign body (for example a balloon, catheter tip or implantable stent) with a nitrosyl-containing organometallic compound that slowly decomposes to release nitric oxide to inhibit platelet aggregation. One embodiment comprises a vascular graft (column 8, lines 43-53) consisting of an impermeable layer (Gortex) covered by the compound, the compound being covered by a semi-permeable membrane (expanded PTFE) that permits the escape of NO.

**Kropf** U.S. Patent No. 4,760,849 discloses a ladder type stent.

**Ragheb** U.S. Patent No. 5,873,904 discloses a medical device 10 including a structure 12, typically a vascular stent 12, composed of an elastic/non-elastic, biodegradable/non-biodegradable base material 14, such as stainless steel, nitinol, polymers, etc. Stent 12 is shown to have several layers of materials coated thereon. At least one layer 18 of a bioactive material is on the surface of stent 12. An outer porous layer 20 surrounds layer 18 to provide controlled release of the bioactive material. A porous/non-porous layer 16 may be used between the bioactive layer 18 and stent 12. A second bioactive layer 22 may be used between porous layer 20 and bioactive layer 18; if so, an inner porous layer 24 may be used between the bioactive layers 18, 22.

The Cited Art Distinguished

**Independent claim 28** has been amended to emphasize the relationship between the various elements of the claimed stent graft. The enclosed Fig. A is a simplified, cross sectional view illustrating the relationship between the various claim elements. Also enclosed

is a Fig. B illustrating an embodiment (disclosed above and at column 8, lines 43-53 of Rosen) including a stent, an inner impermeable layer, a nitric oxide-releasing organometallic compound layer, and an outer porous layer. As can be seen by comparing the two figures, even if it is assumed that it would have been obvious to replace the coiled stent of Rosen with the ladder-type stent of Kropf (which, applicant submits, would not have been the case), the resulting structure would not be that of claim 28. That is, the resulting structure would not capture the stent and the NO generator between inner and outer walls of a porous tubular graft material. It would not have been obvious to modify the resulting structure to arrive at the present invention because there was no recognition of the desirability to do so.

Accordingly, independent claim 28 is allowable over the cited art.

The **dependant claims** are directed to specific novel subfeatures of the invention and are allowable for that reason as well as by depending from novel parent claims.

CONCLUSION

In light of the above remarks and the amendments to the claims, applicants submit that the application is in condition for allowance and action to that end is urged. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

Respectfully submitted,

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Date: 13 April 2004

By: _____

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Appendix: Fig. A and Fig. B